



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

MILDRED METTS,	§	
Plaintiff,	§	
	§	
vs.	§	
	§	CIVIL ACTION NO. 3:23-cv-2965-MGL
NEWREZ, <i>doing business as Shellpoint</i>	§	
<i>Mortgage Servicing,</i>	§	
Defendant.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING PLAINTIFF'S MOTION TO AMEND,
DEEMING AS MOOT DEFENDANT'S MOTION TO DISMISS,
AND REMANDING THE CASE TO STATE COURT**

Plaintiff Mildred Metts (Metts) filed this lawsuit against NewRez, doing business as Shellpoint Mortgage Servicing. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Metts's motion to amend be granted, NewRez's motion to dismiss be deemed as moot, and the case be remanded to the Court of Common Pleas for Richland County, South Carolina. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 4, 2023, but neither party filed any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Metts’s motion to amend is **GRANTED**, NewRez’s motion to dismiss is **DEEMED AS MOOT**, and the case is **REMANDED** to the Court of Common Pleas for Richland County, South Carolina.

IT IS SO ORDERED.

Signed this 4th day of October, 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE